

Attorney's Docket No. W-3212**PATENT****COMBINED DECLARATION AND POWER OF ATTORNEY**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION OR C-I-P)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: (check one applicable item below)

- ☒ original  
☐ design  
☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT

NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR C-I-P.

- ☐ divisional  
☐ continuation  
☐ continuation-in-part (C-I-P)

**INVENTORSHIP IDENTIFICATION****WARNING:** If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION****EXERCISING APPARATUS****SPECIFICATION IDENTIFICATION**

the specification of which: (complete (a), (b) or (c))

- (a) ☒ is attached hereto.  
 (b) ☐ was filed on \_\_\_\_\_ as ☐ Serial No. 0 / \_\_\_\_\_  
 or ☐ Express Mail No., as Serial No. not yet known \_\_\_\_\_  
 and was amended on \_\_\_\_\_ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

- (c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information

- ☒ which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

*(also check the following items, if desired)*

- ☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and

- ☒ In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

**PRIORITY CLAIM (35 U.S.C. § 119)**

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

*(complete (d) or (e))*

- (d) ☒ no such applications have been filed.  
(e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.



SEND CORRESPONDENCE TO  
Rodney K. Worrel  
WORREL & WORREL  
Civic Center Square  
2444 Main Street, Suite 130  
Fresno, California 93721

EXPECT TELEPHONE CALLS TO:  
(name and telephone number)  
Rodney K. Worrel  
(209) 486-4526

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

DENNIS

(GIVEN NAME)

L.

(MIDDLE INITIAL OR NAME)

KEISER

FAMILY (OR LAST NAME)

Inventor's signature

Date 3/14/95

Country of Citizenship U.S.A.

Residence 10779 E. Ashlan, Sanger, California 93657

Post Office Address 10779 E. Ashlan, Sanger, California 93657

Full name of second joint inventor, if any

(GIVEN NAME)

(MIDDLE INITIAL OR NAME)

FAMILY (OR LAST NAME)

Inventor's signature

Date Country of Citizenship

Residence

Post Office Address

(Declaration and Power of Attorney [1-1]—page 4 of 5)

\_\_\_\_\_  
 (GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)

Inventor's signature \_\_\_\_\_  
 Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_  
 Residence \_\_\_\_\_  
 Post Office Address \_\_\_\_\_

☐ Signature for fourth and subsequent joint inventors. *Number of pages added*

\*\*\*

☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. *Number of pages added* \_\_\_\_\_.

\*\*\*

☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added \_\_\_\_\_

\*\*\*

☐ Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time (37 CFR 1.47).

\* \* \*

☐ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.

☐ Number of pages added \_\_\_\_\_

✱   ✱   ✱

☐ Authorization of attorney(s) to accept and follow instructions from representative.

★ ★ ★

*(If no further pages form a part of this Declaration, then end this Declaration with this page and check the following item:)*

☒ This declaration ends with this page.

Attorney's Docket No. W-3212**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**☒ In re application of: DENNIS L. KEISER

Group No.

Serial No.: 0 /

Examiner:

Filed:

For: \* EXERCISING APPARATUS Issued :

☐ Patent No.:

\*NOTE: Insert name(s) of inventor(s) and title also for patent. Where submission is with respect to a maintenance fee payment also insert application serial number and filing date and mark Form Box M. Fee.

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**SUBMISSION OF VERIFIED STATEMENT(S) TO ESTABLISH  
SMALL ENTITY STATUS**

The attached statement is being submitted to establish small entity status in this

☒ application☐ patent

by the:

(check all applicable boxes below)

- a. ☒ independent inventor(s) 37 CFR 1.9(c) and 1.27(b)  
b. ☐ non-inventor supporting claim by another 37 CFR 1.9(c) and 1.27(b)

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)**


I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231  
Date: 3/15/95

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office



Signature

Rodney K. Worrel

(type or print name of person certifying)

(Submission of Verified Statement(s) to Establish Small Entity Status(7-11))

(Submission of Verified Statement(s) to Establish Small Entity Status[7-11])

- c. ☒ small business concern  
d. ☐ non-profit organization

37 CFR 1.9(d) and 1.27(c)

37 CFR 1.9(e) and 1.27(d)

  
SIGNATURE OF ATTORNEY

Reg. No. 27,475

Rodney K. Worrel

(Type or print name of attorney)

Tel. No. (209) 486-4526

2444 Main Street, Suite 130

(P.O. Address)

Fresno, California 93721

**Attorney's Docket No.** W-3212 **PATENT**  
**Applicant or Patentee:** DENNIS L. KEISER  
**Serial or Patent No.:** 0 / \_\_\_\_\_  
**Filed or Issued:** \_\_\_\_\_  
**For:** EXERCISING APPARATUS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(b))—INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled EXERCISING APPARATUS

described in

- ☒ the specification filed herewith.  
☐ application serial no. 0 / \_\_\_\_\_, filed \_\_\_\_\_.  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ no such person, concern, or organization  
☒ persons, concerns or organizations listed below \*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

**FULL NAME** KEISER CORPORATION  
**ADDRESS** 411 S. West Avenue  
Fresno, California 93706

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

**FULL NAME** \_\_\_\_\_  
**ADDRESS** \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

**FULL NAME** \_\_\_\_\_  
**ADDRESS** \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION



I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

DENNIS L. KEISER

Name of inventor



Signature of Inventor

Date 3/14/95

Name of inventor

Signature of Inventor

Date

Name of inventor

Signature of Inventor

Date

Small Entity—Independent Inventor [7-1]—page 2 of 2)

Attorney's Docket No. W-3212**PATENT**Applicant or Patentee: DENNIS L. KEISER

Serial or Patent No.: 0 / \_\_\_\_\_

Filed or Issued: \_\_\_\_\_

For: EXERCISING APPARATUS**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(c))—SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN KEISER CORPORATIONADDRESS OF CONCERN 411 S. West AvenueFresno, California 93706

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled

**EXERCISING APPARATUS**by inventor(s) DENNIS L. KEISER

described in

- ☒ the specification filed herewith.
- ☐ application serial no. 0 / \_\_\_\_\_, filed \_\_\_\_\_.
- ☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING DENNIS L. KEISER  
TITLE OF PERSON OTHER THAN OWNER President  
ADDRESS OF PERSON SIGNING 10779 E. Ashlan  
Sanger, California 93657

SIGNATURE  Date 3/14/95

(Small entity-Small Business [7-4]—page 2 of 2 )

For: ☒ U.S. and/or ☒ Foreign Rights

For: ☒ U.S. Application or ☐ U.S. Patent

By: ☒ Inventor(s) or ☐ Present Owner

## ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNOR:

(inventor(s) or

DENNIS L. KEISER

(type or print name(s) of ASSIGNOR(S))

person(s) or entity(ies)  
who own the invention)

10779 E. Ashlan

(Address)

Sanger, California 93657

United States of America

(Nationality)

(If assignment is by person or entity to whom invention was previously assigned and this was recorded in PTO add the following)

Recorded on \_\_\_\_\_

Reel \_\_\_\_\_

Frame \_\_\_\_\_

hereby sells, assigns and transfers to

ASSIGNEE:

KEISER CORPORATION

(Type or print name of ASSIGNEE)

411 S. West Avenue

(Address)

Fresno, California 93706

United States of America

(Nationality)

and the successors, assigns and legal representatives of the ASSIGNEE

(complete one of the following)

☒ the entire right, title and interest

☐ an undivided \_\_\_\_\_ percent (\_\_\_\_\_%) interest

for the United States and its territorial possessions

(check the following box if foreign rights are also to be assigned)

☒ and in all foreign countries, including all rights to claim priority,

in and to any and all improvements which are disclosed in the invention entitled:

EXERCISING APPARATUS

(Assignment of Invention [16-3]—page 1 of 3)

(check and complete (a), (b), (c) or (d))

and which is found in

- (a) ☒ U.S. patent application executed on even date herewith
- (b) ☐ U.S. patent application executed on \_\_\_\_\_
- ☐ To comply with 37 CFR 3.21 for recordal of this assignment, I, an ASSIGNOR signing below, hereby authorize and request my attorney, as named in the Declaration and Power of Attorney I executed for this invention on the execution date stated above, to insert below the filing date and application number when it becomes known.
- (c) ☐ U.S. application serial no. 0 / \_\_\_\_\_ filed on \_\_\_\_\_
- (d) ☐ U.S. patent no. \_\_\_\_\_ issued \_\_\_\_\_
- ☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.

(also check (e) if foreign application(s) is also being assigned)

- (e) ☒ and any legal equivalent thereof in a foreign country, including the right to claim priority

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto hand and seal this  
3/14, 2005 (Date of signing).

WARNING: Date of signing must be the same as the date of execution of the application if item (a) was checked above.

By:

Signature of ASSIGNOR(S)

Dennis L. Keiser

If ASSIGNOR is a legal entity complete the following information

(type or print the name of the above person  
authorized to sign on behalf of ASSIGNOR)

Title

NOTE: No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized then it will only be prima facie evidence of execution 35 USC 261. Use next page if notarization is desired.

☒ Notarization or Legalization Page Added.

(Assignment of Invention [16-3]—page 3 of 3)